



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint no. PF.8-778/2011-Legal  
Nadeem Akhtar V/S Dr. Nasir Khokhar Islamabad and others

Mr. Ali Raza	Chairman
Mr. Aamir Ashraf Khawaja	Member
Dr. Asif Loya	Member
<i>Present:</i>	
Maj. Gen Dr. Imran Fazal	Expert
Mr. Nadeem Akhtar	Complainant
Mr. Raja Abid Ali Abid	Legal Counsel on behalf of Complainant
Mr. Raja Waqar Abid	Legal Counsel on behalf of Complainant
Mr. Shahbaz Yaqoob	Legal Manager, Shifa International Hospital Islamabad on behalf of Respondent Dr. Nasir Khokhar and Shifa International Hospital

**Factual Background**

**First Complaint**

1. Mr. Nadeem Akhtar lodged a complaint before the Disciplinary Committee of erstwhile PMDC on 03-05-2011 against Dr. Nasir Khokhar Prof. of Medicine and Director Division of Gastroenterology Shifa International Hospital Islamabad wherein he stated that complainant was settled in Dubai and was member of Economic Department of Dubai



(UAE). He was on visit to Pakistan in May, 2010 and got sick. He visited Shifa Hospital and was referred for consultation to Dr. Nasir Khokhar the respondent doctor with a complaint of dizziness. The doctor recommended an Ultrasound test and blood test after which he was prescribed medicines rather than referring him to some other doctor. When he was not feeling any difference from the medicine he consulted with Dr. Aftab Awan (Nero Physician) Shifa International Hospital, Dr. Nighat Zaka (Psychiatrist), Ali medical Centre and also Dr. Mazhar Dadsha Assistant Prof. Neurology PIMS who all pointed out that the medication prescribed to him were wrong. The complainant stated that due to the medication he suffered with problems of chronic headache, hyper sexuality, voracious appetite, vaso vagal syndrome, mild cerebral atrophy, difficulty in breathing, panic attacks, fits, and many other unusual side effects He stated that he filed complaint with the Chairman Shifa International who did not take any action against the respondent doctor Nasir Khokhar.

2. Complaint was forwarded to Respondent, Dr. Nasir Khokhar who replied vide letter dated 24-05-2011 that Mr. Nadeem Khokhar, 36-year-old patient was seen by him for the first time in May of 2010 when he complained of fatigue, headache, inadequate bowel evacuations. His upper GI endoscopy and laboratory workup has been negative, which was performed elsewhere. His physical examination showed no abnormalities. He performed CBC, LFTs and abdominal sonography which did not show any abnormalities. His diagnosis was irritable bowel syndrome and anxiety neurosis. Patient has given history of major financial losses due to his business in Dubai and has seen various physicians at various times.
3. With the above history, physical examination and laboratory findings he was prescribed Escitalopram, Pantoprazole and Bromazepam. With his follow up, he showed some improvement. Escitalopram was increased gradually with significant improvement. Altogether, he was seen 11 times and his last visit was in November 29, 2010 when he complained of head shaking dizziness, nausea, fatigue and palpitation. His diagnosis was continued to be anxiety, neurosis and irritable bowel syndrome.
4. Subsequently, he saw neurologist at Shifa who prescribed an MRI which showed non-significant changes of mild cerebellar atrophy. His symptoms of irritable bowel syndrome and



anxiety neurosis are documented with the literature and tranquilizers and antidepressant are established treatment and are prescribed by gastroenterologist throughout the world.

5. Disciplinary Committee of erstwhile PMDC held hearing in the matter on 19-01-2012. Parties were heard at length. The complainant explained his complaint and presented various prescriptions of the respondent doctor. The complainant informed the Disciplinary Committee that the medicines prescribed by the respondent doctor cannot be found in the open market but can only be obtained from the pharmacy of the Shifa International Hospital. The committee examined the medicines and found that a few medicines were non licensed medicines.
6. The committee ordered that a reference be sent to the Drug Controller to check the pharmacy of the Shifa International Hospital as they are dispensing drugs which are imported and not manufactured or licensed in Pakistan. i.e. Vitab, Pentazole (Pantoprazole 40mg), Selpram (Escitalopram 10mg), Epex (Cold Pressed Evening Primrose Oil), Melto-B (Melatonin+Vitamin B6), Walmax (A combination of Unique Ingredient), Doparide-25 (Levosulpiride), Ispo Max (100gms).
7. The Committee examined the prescriptions and observed that the doctor was repeating the same medicine with different names in the same prescription which represented negligence on the part of the doctor in treating the patient and keeping on giving improper medication.
8. The Disciplinary Committee recommended that a reference be sent to the hospital administration of Shifa International hospital and an explanation be asked from the hospital authorities regarding sale of non registered/imported drugs at its pharmacy.
9. As per directions of the Disciplinary Committee, comments were received from the hospital administration wherein they informed that the pharmacy processes and sell drugs which are registered under Drug Act 1976. It would be worth mentioning here that the vendors mentioned in their invoices that products do not contravene the Drug Act 1976, so Pharmacy is dispensing the medication to the patient as per physician's order on his prescription.
10. Letters were issued to the Drug Controller to visit the hospital pharmacy and check the authenticity of assertions made by the complainant. The Drug Controller submitted the report



which mentioned that two inspections of pharmacy/medical store of Shifa International Hospital Islamabad were conducted on 15<sup>th</sup> March and 21<sup>st</sup> May, 2012. Samples of six different drugs/medicines including the tab. Pentazole of M/s Jawa Pharmaceuticals Lahore were drawn for test and analysis. One drug was ordered “Not to dispose of”.

11. The Disciplinary Committee held the second hearing in the matter on 09-07-2012. Parties were heard at length. The complainant was of the strong view that his sexual dis-function was due to inappropriate prescription. As evidence he produced a box of Pentazole tablets manufactured by Jawa Company which had no batch or manufacturing number or expiry date. This was given to the respondent doctor who failed to defend the medicine. As far as irregularities noted in the procurement and sales of non approved medicines at the in-house pharmacy of Shifa hospital, the complainant seemed to have a strong case and the case to the extent of irregular pharmacy practices was referred to the Drug Regulatory Authority as well as the Pakistan Pharmacy Council for a categorical answer.
12. Further, the Disciplinary Committee observed that Dr. Nasir Khokhar of Shifa International Hospital is seen to have been prescribing the anti-depressant anxiolytic etc. along with many vitamins and a number of medicines of the same salt. However, the committee did not find the prescribed medicines as direct cause of brain atrophy. Due to his irrational prescribing practices as established in the matter, the respondent doctor was strictly warned to adhere to good prescribing practices. Based on these findings, the Disciplinary Committee disposed of the complaint of Mr. Nadeem Khokhar.
13. In a court case (C.S No.118/2011) titled Nadeem Akhtar Vs. Shifa International Hospital and others before Islamabad High Court, Islamabad, the Hon'ble High Court vide its order dated 27-03-2014 held that “the above findings reflect that disciplinary committee did not exonerate the defendants, therefore, their negligence can not be ruled out..... at this stage it is not established beyond doubt as to whether the health effect was result of the prescription or not”.



### **Fresh Complaint of Mr. Nadeem Akhtar**

14. Mr. Nadeem Akhtar filed a fresh complaint before Disciplinary Committee of erstwhile PMDC on 19-06- 2019 against Dr. Nasir Khokhar alleging that he consulted respondent doctor Nasir Khokhar at Shifa International Hospital Islamabad with a complaint of dizziness. Dr. Nasir Khokhar prescribed many medicines rather than referring him to some other specialist. He was prescribed high dosage of tranquilizers, antidepressants and many vitamins and number of medicines with same salts. Consequently due to these medication he suffered from problems of chronic headache, brain atrophy and many other unusual side effects. According to him the doctor Nasir Khokhar has written wrong designation on his prescription pad.

### **Reply of Respondent Doctor Nasir Khokhar**

15. Complaint of Mr. Nadeem Akhtar was forwarded to respondent, Dr. Nasir Khokhar who replied vide letter dated 30-07- 2020 that reference my letter 27<sup>th</sup> July, 2020, it is gratefully confirmed that I have collected in person the following documents which were essential for submitting the reply to the application of the complainant / Nadeem Akhtar submitted by him to PM&DC Disciplinary Committee for review of the decision of the PM&DC Disciplinary Committee taken on 09<sup>th</sup> July, 2012 and I have received the following documents:

- a. Received the appeal / complaint of complainant / Nadeem Akhtar being considered by the current Disciplinary Committee in 2020 as confirmed by the Legal Section of PM&DC.
- b. Received the complaint of complaint / Nadeem Akhtar which was considered by the Disciplinary Committee on 09<sup>th</sup> July, 2019.
- c. Received the prescriptions of the undersigned given to complaint which are also as contined in the agenda of the Disciplinary Committee on 09<sup>th</sup> July, 2012 considered by DC which include the prescriptions dated 08-06-2010, 27-07-2010, 16-08-2010 and 03-09-2010, 14-09-2010, 22-10-2010, 29-11-2010.



- d. Received the minutes of the Council / Executive Committee where the recommendations of the DC on 09<sup>th</sup> July, 2012 were adopted / approved by the PM&DC Council.
- e. Received the relevant portion of the PM&DC Law and Regulations under which matters of practice and professional negligence are dealt under.
- the receipt of above documents is submitted for record. I shall furnish my reply on facts and law, within two weeks from today.
16. There was no written comments or reply received from the respondent dr. Nasir Khokhar to defend the allegations leveled against him by Mr. Nadeem Akhtar in his fresh complaint.
17. Disciplinary Committee held its hearing in the matter on 16-05-2019. The complainant, Mr. Nadeem Akhtar, explained his case. Respondent, Dr. Nasir Khokhar submitted that this case has already been decided in 2012 by the Disciplinary Committee. According to Dr. Nasir Khokhar, Mr. Nadeem was treated completely and appropriately according to his symptoms and signs. He further explained that he has an extensive experience in gastroenterology and he showed a letter issued by Shifa International Hospital, Islamabad which states that he is appointed as professor in gastroenterology since 2009, on query regarding his qualification he stated that presently he is heading the department of gastroenterology in Shifa College of Medicine. He further stated that as per PM&DC 2018 Regulations for faculty and teaching staff, as a medical specialist one can work in any sub specialty of medicine by gaining experience in that particular subject. He has 38-40 years experience in gastroenterology. He further questioned that how is it possible that he can teach in gastro but he cannot practice gastro. He further added that he holds a membership and fellowship in Gastroenterology Society of USA. He requested the Disciplinary Committee to defer the case for hearing on some other date as he was not prepared for hearing at the moment.
18. Disciplinary Committee again held hearings in the matter on 04-08-2019 and 23-07-2020, however, respondent, Dr. Nasir Khokhar sought adjournment and requested to grant more time to prepare and present his defence.



## **Disciplinary Committee under Pakistan Medical Commission Act 2020**

19. Pakistan Medical and Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23 September 2020 which repealed Pakistan Medical and Dental Council Ordinance, 1962. Section 32 of the Pakistan and Medical Commission Act, 2020 empowers the Disciplinary Committee consisting of Council Members to initiate disciplinary proceedings on the complaint of any person or on its own motion or on information received against any full licence holder in case of professional negligence or misconduct. The Disciplinary Committee shall hear and decide each such complaint and impose the penalties commensurate with each category of offence.

### **Hearing on 30-01-2021**

20. The Disciplinary Committee held the hearing of pending disciplinary proceedings including complaint of Mr. Nadeem Akhtar on 30-01-2021.
21. Complainant, Mr. Nadeem Akhtar was present along with his legal counsels. However, Respondent, Dr. Nasir Khokhar sought exemption of hearing through legal manager Shifa International Hospital on the date of hearing stating that the applicant is abroad with his family and he is unable to come back due to prevailing pandemic.
22. The Complainant explained his grievances before the Disciplinary Committee and alleged professional negligence and misconduct of Dr. Nasir Khokhar who prescribed him high dose anxiolytics which caused brain atrophy. These prescribed medicines were not licensed or approved by DRAP and sold only at the inhouse pharmacy of Shifa hospital. Further, Dr. Nasir Khokhar has misrepresented to be professor of gastroenterology and is heading the department of gastroenterology at Shifa International Hospital.



### **Expert Opinion of Maj. Gen Imran Fazal**

23. Mr. Nadeem consulted Dr. Nasir Khokhar for dizziness. He has been attending Dr. Nasir outpatient department for IBS and management of dizziness. During this period he was advised multiple pharmacological agents. Besides medicines for his GI illness he was advised antidepressant Escitalopram and anxiolytics Bromazepam, he was advised Escitalopram 10 mg thrice daily and bromazepam. Usual dose of Escitalopram is 10 mg daily but was advised 30 mg daily. It must be noted that there are well qualified consultants in psychiatry and neuro-physician at the same hospital, why he was not referred to either of these consultants.
24. The patient has mentioned brain atrophy, whereas the MRI reveals only mild Cerebellar Atrophy. There is no evidence of Atrophy of any other part of brain on MRI attached reports.

### **Findings/Conclusion of the Disciplinary Committee**

25. The complainant has raised the first contention that he was prescribed medicines which were only sold in in-house pharmacy of Shifa International Hospital and those medicines were imported and not manufactured or licensed in Pakistan. They also did not mention batch or manufacturing number or expiry date. The Disciplinary Committee is of the view that this matter pertains to illegal pharmacy practices which is not relevant under the Pakistan Medical Commission Act 2020 and should be dealt with by the Drug Regulatory Authority. It is observed that the issue concerned is already sub-judice before the Drug Regulatory Authority. Hence, it is not a matter of consideration before the Disciplinary Committee.
26. The fact brought forth by the expert and substantiated by the prescriptions of the respondent doctor admittedly is that the respondent doctor did prescribe medication which was not registered for manufacturing or licensed for dispensation by DRAP. It is further an admitted fact that the respondent doctor prescribed antidepressant Escitalopram and anxiolytics Bromazepam. He was advised these medicines 10 mg thrice daily. The usual dose of Escitalopram is 10 mg daily but was advised 30 mg daily which is a dose he was not qualified to prescribe and should have been referred to a qualified consultant in psychiatry or a neuro-physician. The said violation on the part of the respondent doctor is admitted from the record





and amounts to gross negligence and violation by the respondent doctor of his authorized scope of practice.

27. The other issue raised in the complaint is that Dr. Nasir Khokhar misrepresented himself as a gastroenterologist. Complainant brought on record his medical consultation appointment from the respondent doctor Nasir Khokhar through whatsapp to establish that the doctor is practicing gastroenterology at Shifa International Hospital through online consultation.
28. On enquiring by the committee, Mr .Shahbaz Yaqoob, Assistant Manager Legal present on behalf of respondent Doctor Nasir Khokhar and Shifa International Hospital, Islamabad submitted that Dr. Nasir Khokhar is still a faculty of Shifa Medical College and Head of Department of Gastroenterology in Shifa International Hospital, Islamabad.
29. The Disciplinary Committee has perused the record available with the Pakistan Medical Commission and it is observed that the qualifications of the respondent registered with the Commission; Diplomate of American Board (Internal Medicine) and Diplomate of American Board (Tropical Medicine). The respondent's claim is that he has been granted privilege by Shifa International Hospital to work as a gastroenterologist on the basis of experience. There exist no additional qualifications obtained by the respondent in the field of gastroenterology registered with the Pakistan Medical Commission. Therefore, while the hospital based on verifiable experience can grant privileges to practice to a consultant in a specific sub specialty, the liability of grant of such privileges rests with the hospital who would therefore, be jointly and severally liable with the consultant in the case of negligence if a patient seeks civil remedy of damages.
30. The record shows that the respondent doctor's qualifications noted on the letterhead of Shifa International Hospital include;
  - a. MBBS, MD (USA),FACP (USA), FACG (USA), FACTM 9USA), FACIP (USA).
  - b. Professor of Medicine.
  - c. Practice limited to Gastroenterology and Herpetology.
  - d. Diplomate, American Board of International Medicine.



- e. Diplomate, American Board of Tropical Medicine.
- f. Diplomate, American Board of Quality Medicine.
- g. Fellow, American College of Gastroenterology.

Other than two, the remaining qualifications are not registered with the commission and there exists no evidence that the same have been even acquired by the respondent doctor. Placing them on the prescription letterhead of the hospital represents misrepresentation by the respondent doctor and the hospital both as the same is patently illegal and can only be with the intent to mislead a patient into being induced to be treated by the respondent doctor. The offence on the part of the respondent doctor is actionable by the Pakistan Medical Commission and in respect of which the Disciplinary Committee has jurisdiction. On the culpability of Shifa International Hospital who have allowed the said qualification to be placed on their letterhead without having properly verified the same from the Commission, the matter falls under the jurisdiction of Islamabad Health Regulatory Authority.

31. The said act amounts to misconduct on part of the respondent to misrepresent his qualifications which is not registered with the Pakistan Medical Commission. He treated the complainant as gastroenterologist and prescribed him high dose of anxiolytics thereby committing further professional negligence.
32. Keeping in view the gross misconduct and professional negligence of the respondent as established in the instant case through documentary record and for the reasons recorded above, the license issued to the respondent to practice medicine is hereby permanently cancelled.
33. Further reference is made to offences provided under Section 34 of the Pakistan Medical Commission Act, particularly section 34(4) which clearly spell out that misrepresentation using a title or works or letters not registered with the Commission is as an offence which is triable by Medical Tribunal. Relevant part of Section 34 is reproduced as under:

(4) “ *Whoever falsely pretends to be registered under this Act as a medical practitioner or dentist and uses with his name any title or works or letters representing that he is so registered*



*with the Authority or uses the word "doctor" or any other nomenclature or designation without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten million rupees but shall not be less than one million rupees or with both."*

34. In view of above for appropriate action in terms of the criminal acts of the respondent pursuant to the relevant provisions of Pakistan Medical Commission Act 2020, a separate reference shall be submitted to Medical Tribunal for trial.
35. Further, matter pertaining to maladministration on behalf of Shifa Hospital in falsely recording on its document the non registered qualifications of the respondent doctor and allowing the respondent to practice beyond his qualifications as well as the negligent manner of grant of privileges to the respondent is referred to Islamabad Healthcare Regulatory Authority to proceed in accordance with law.
36. The subject proceedings stands disposed of in terms of the above directions.

Aamir Ashraf Khawaja  
Member

Dr. Asif Loya  
Member

Ali Raza  
Chairman

23<sup>rd</sup> February, 2021